

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIN WOO SHIN,

Defendant.

Case No. CR21-195-RSL

ORDER GRANTING
STIPULATED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS DUE
DATE

This matter comes before the Court on defendant's "Stipulated Motion to Continue Trial and Pretrial Motions Dates." (Dkt. # 24). Having considered the facts set forth in the motion, the Court finds as follows:

1. The Court adopts the facts set forth in the stipulated motion: in particular, that (a) defendant may have cognitive disabilities that necessitate additional time for counsel to investigate his current mental state, as well as the significance of that mental state at the time of the alleged offense, and (b) the parties require additional time to complete the discovery process and for defense counsel to review the evidence and any defense investigation with the defendant so that he may make an informed and intelligent decision in how he wishes to proceed. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

ORDER GRANTING STIPULATED
MOTION TO CONTINUE TRIAL - 1

1 2. The Court finds that a failure to grant a continuance would likely result in a
2 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3 3. The Court finds that the additional time requested between January 24, 2022, and
4 the proposed trial date of March 28, 2022, is a reasonable period of delay. The Court finds that
5 this additional time is necessary to provide defense counsel reasonable time to prepare for trial,
6 as defendant has requested more time to prepare for trial, to continue to investigate the matter, to
7 gather evidence material to the defense, and to consider possible defenses. The additional time
8 requested between the current trial date and the new trial date is necessary to provide counsel for
9 the defendant the reasonable time necessary to prepare for trial, considering the facts set forth
10 above.

11 4. The Court further finds that this continuance would serve the ends of justice, and
12 that these factors outweigh the best interests of the public and defendant in a speedier trial,
13 within the meaning of 18 U.S.C. § 3161(h)(7)(A).


14 5. Defendant has not filed a signed a speedy trial waiver. However, defense counsel
15 indicated that she has discussed the stipulated motion to continue trial and pretrial motions dates
16 with defendant, and that defendant understands the reasons for this request, including the need
17 for additional time to provide the effective assistance of counsel, and does not oppose. Dkt. # 24
18 at 2.

19 IT IS HEREBY ORDERED that the trial date shall be continued from January 24,
20 2022 to March 28, 2022, and pretrial motions are to be filed no later than February 18, 2022;

21 IT IS FURTHER ORDERED that the period of time from the current trial date of January
22 24, 2022, up to and including the new trial date, shall be excludable time pursuant to the Speedy
23 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting
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1 of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),
2 (h)(7)(A), and (h)(7)(B).

3 DATED this 29th day of December, 2021.
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7 Robert S. Lasnik
8 United States District Judge
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